

**Notice of Allowability**

Application No.

09/202,984

Examiner

Suryaprabha Chunduru

Applicant(s)

CZERNILOFSKY ET AL.

Art Unit

1637

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/10/07.
2. ☒ The allowed claim(s) is/are 61,63-90 and 92-117, 120-126.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

*Suryaprabha Chunduru*  
SURYAPRABHA CHUNDURU 12/26/07  
PRIMARY EXAMINER

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 10, 2007 has been entered.
2. Applicants' response and amendment filed along with RCE on November 10, 2007 is considered. Currently Claims 61, 63-90, 91-126 are pending. Claim 61 and 90 are amended. Claims 1-60, 62, 91 are canceled.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ann E. Summerfield on December 19, 2007.

Please cancel claims 118-119.

Please amend claim 90 as follows:

Claim 90 A comparative high throughput, parallel screening method for comparing the pharmacological effects of test substances on the activity of the same biological target molecule contained in test cells of the same type but with a different state of differentiation or activation, said method comprising:

(a) selecting from a cell population test cells of the same type but with a different state of differentiation or activation which contain the same biological target molecule;

(b) applying under the control of a robot test substances in parallel to sets of said test cells selected in (a), wherein a defined amount of a test substance from the same supply is applied simultaneously to a set of said test cells, said set comprising said test cells selected in (a) of the same type but with a different state of differentiation or activation which contain the same biological molecule;

(c) measuring the effects of said test substances applied in (b) on the biological activity of said target molecule using a detection system wherein (i) said detection system is coupled to activation of said biological target molecule, or (ii) said detection system is coupled to a regulatory mechanism triggered by activation of said biological target molecule; and

(d) directly or indirectly comparing with one another the effects of said test substances on the biological activity of said target molecule measured in (c);

wherein said biological target molecule is a component of a metabolic or a receptor-coupled signal transduction pathway.

4. The following is an examiner's statement of reasons for allowance:

Claims 61, 63-90, 92-117, 120-126 are allowed.

The present invention is drawn to a comparative high throughput, parallel screening method for comparing the pharmacological effects of test substances on the activities of different biological target molecules contained in test cells of the same type or the same biological target molecule contained in the test cells of the same type but with different state of differentiation or activation, wherein the effects of test substances on the biological activities are compared with

one another, wherein the biological molecule is a component of a metabolic or a receptor-coupled signal transduction pathway. The closest prior art Harpold et al. (WO 92/02639) teach a method for comparing the effects of test substances on the different test cells with the same biological molecule, however, the prior art do not teach test cells of same type with different biological molecules or the same biological molecule contained in test cells of same type but with different state of differentiation or activation and performing the method step (b) under the control of a robot as reflected by the instant amended claims. Thus the instant invention was not taught or obvious over the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suryaprabha Chunduru whose telephone number is 571-272-0783. The examiner can normally be reached on 8.30A.M. - 4.30P.M, Mon - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control  
Number: 09/202,984  
Art Unit: 1637

Page 5

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Suryaprabha Chunduru  
Primary Examiner  
Art Unit 1637

*Suryaprabha Chunduru*  
SURYAPRABHA CHUNDURU 12/26/07  
PRIMARY EXAMINER